

AMENDED IN ASSEMBLY APRIL 30, 2002

AMENDED IN ASSEMBLY APRIL 8, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 2508

Introduced by Assembly Member Dickerson

February 21, 2002

~~An act to amend Section 816 of the Government Code, relating to public entity liability. An act relating to veterans.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 2508, as amended, Dickerson. ~~Tort Claims Act: National Guard~~ *Remembrance Memorial for California Korean War Veterans at Santa Nella.*

Existing law provides for the construction and maintenance of veterans' buildings and memorials in the state.

This bill would designate the existing memorial built in 1998 near Santa Nella as the official state memorial for veterans of the Korean War, to be known as the Remembrance Memorial for California Korean War Veterans at Santa Nella.

~~The existing California Tort Claims Act provides that a public entity is not liable for injury arising out of any activity conducted by a member of the California National Guard pursuant to specified federal law and compensated pursuant to the Federal Tort Claims Act.~~

~~This bill also would provide that any agent of the public entity is not liable for injury arising out of any activity conducted by a member of the California National Guard under those circumstances.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 816 of the Government Code is~~
2 ~~amended~~

3 *SECTION 1. The Legislature finds and declares all of the*
4 *following:*

5 *(a) June 25, 2000, marked the 50th anniversary of the invasion*
6 *of South Korea by North Korea and the start of the three-year*
7 *Korean War with combat hostilities ending upon the signing of an*
8 *armistice agreement by the United Nations and North Korea on*
9 *July 27, 1953. The Korean War is often called “The Forgotten*
10 *War” because many of our nation’s veterans who served in that*
11 *conflict have been forgotten.*

12 *(b) The nation is currently observing the 50th anniversary of*
13 *the Korean War by special observances and commemorative*
14 *activities that are occurring during the years 2000 to 2003,*
15 *inclusive. The public memorials that are dedicated to those who*
16 *served, and to those who died in that conflict, will remind future*
17 *generations of the sacrifices that these men and women made*
18 *during the Korean War, and will stand as eternal symbols that the*
19 *State of California honors and remembers its veterans.*

20 *(c) It is therefore fitting and proper that the existing memorial*
21 *built in 1998 near Santa Nella be designated as the Remembrance*
22 *Memorial for California Korean War Veterans at Santa Nella.*

23 *SEC. 2. The existing memorial built in 1998 near Santa Nella*
24 *shall be designated as the official state memorial for veterans of*
25 *the Korean War, and shall be known as the Remembrance*
26 *Memorial for California Korean War Veterans at Santa Nella.*

27 ~~to read:~~

28 ~~816. A public entity, or its agent, is not liable for injury arising~~
29 ~~out of any activity conducted by a member of the California~~
30 ~~National Guard pursuant to Section 316, 502, 503, 504, or 505 of~~
31 ~~Title 32 of the United States Code and compensated pursuant to the~~
32 ~~Federal Tort Claims Act.~~

1 ~~It is the intent of the Legislature, in enacting this section, to~~
2 ~~conform state law regarding liability for activities of the National~~
3 ~~Guard to federal law as expressed in Public Law 97-124.~~

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